

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

COMMONWEALTH OF PUERTO RICO as
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD OF PUERTO
RICO
Debtors

CASE NO. 17-01578 (LTS-JGD)

BANKRUPTCY CASE: 17-BK-03283

DIANA IRIS MORALES LÓPEZ

PROMESA

Movant

COMMONWEALTH OF PUERTO RICO as
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD OF PUERTO
RICO and BANK OF NEW YORK
MELLON as TRUSTEE

Respondent (s)

**MOTION TO SET ASIDE AUTOMATIC STAY UNDER 11 USC 362(d)(1)
AND FOR FURTHER RELIEF**

TO THE HONORABLE COURT:

COMES NOW, DIANA IRIS MORALES LÓPEZ, creditor and party in interest,
through the undersigned counsel, and very respectfully STATES and PRAYS:

1. That Diana Iris Morales López is a creditor and party in interest in the above captioned case, having filed a State Court civil case against debtor Commonwealth of Puerto Rico, case number DDP2017-0230 (506), *Diana Iris Morales López, en representación de su hijo menor de*

edad e incapacitado Juan Samuel Ríos Morales, Bayamón Superior Court of the Commonwealth of Puerto Rico, for torts action.

2. Debtor-Respondent Commonwealth of Puerto Rico, et al., has filed bankruptcy proceedings under case docket number 17-03283 (LTS).
3. That the civil case in the Bayamón Superior Court has been/will be stayed pending the outcome of the present bankruptcy proceedings.
4. That it is imperative that the civil State Court case be resolved in order to allow the State Court to issue a Judgment and determine the amount of Movant's claim against the estate in the instant bankruptcy case.
5. That in the event the Bankruptcy Court allows Movant to pursue her civil State Court case, the Bankruptcy Court will retain jurisdiction over the subject matter for any Judgment, Order, and/or Resolution issued by the Bayamón Superior Court of Puerto Rico or any other State Court where this matter may be litigated.
6. That Movant's cause of action arose before this bankruptcy case filing, and in that sense her claim is part of the estate. (See attach complaint in Bayamón Superior Court).
7. That Movant's cause of action will continue directly with Debtor's insurer, Multinational Insurance Company.
8. That said, since the abovementioned insurance company hasn't filed bankruptcy with the Insurer Commissioner, it is a direct claim towards the debtor's insurer.
9. Movant herein prays for an order lifting the automatic stay under Section 362(d)(1) in order to allow movant to proceed with the State Court

litigation, provided that the Bankruptcy Court will retain jurisdiction over the subject matter for any Judgment, Order, and/or Resolution issued by the Bayamón Superior Court of Puerto Rico or any other State Court where this matter may be litigated.

10. Movant respectfully submits that there are sufficient grounds to grant the lifting of the stay for “cause” based on the need to determine the amount of this claim in the instant case. The debtor will not be prejudiced with the lifting of the stay as herein requested since the Bankruptcy Court will retain subject matter jurisdiction as herein stated.

WHEREFORE, Movant respectfully prays for an order relieving her from the stay under Section 362(d)(1) of the Bankruptcy Code, 11 U.S.C. §362(d)(1), authorizing movant to proceed with the State Court action, retaining the Bankruptcy Court jurisdiction over the subject matter for any Judgment entered in said State proceedings.

CERTIFICATE OF SERVICE that on this same date a copy of this motion was sent via email to Veronica Ortiz Galichet, vortiz@iguinaoharriz.com and Juan Barrios Molina, jbarrios@justicia.pr.gov.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, this July 8th, 2019.

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